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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/980,419 | 03/01/2002 | Dieter Dohring | 616.95USWO | 2940 |

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EXAMINER

WATKINS III, WILLIAM P

| ART UNIT | PAPER NUMBER |
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1772

DATE MAILED: 07/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,419

Applicant(s)

DOHRING

Examiner

William P. Watkins III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 01.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. As a matter of claim construction, regarding claim 3, the phrase "and preferably resin, in particular an amino resin" is not taken as further limiting the claim. Regarding claim 4, the phrase "such as aluminum ---silicate" is not taken as further limiting the claim. In claim 5, the phrase "preferably ---blade" is not taken as further limiting the claim. In claim 6 the phrase "and for this purpose in particular---mixture", is not taken as further limiting the claim. In claim 7, the phrase "and/or---40 g/m²" is not taken as further limiting the claim. In claim 9, the phrase "preferably by spraying" is not taken as further limiting the claim. In claim 13, the phrase "preferably ---40 g/m²" is not taken as further limiting the claim. In claim 17 the phrase "such as --- glass" is not taken as further limiting the claim.

2. Claims which refer to the "proceeding claim" are objected to because of the following informalities: the claims should refer to a specific numbered proceeding claim. Appropriate correction is required.

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3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (U.S. 4,473,613) in view of Moroff et al. (U.S. 3,853,594).

Jaisle et al. teaches the formation of a decorative laminate using an acrylic resin and a melamine resin and abrasive particles (col. 2, lines 55-65), that are pressed into the laminate by a belt press or other means. Moroff et al. teaches using a roller to impregnate a composite décor sheet (col. 2, lines 10-25). The instant invention claims a method of making a paper décor sheet that involves the rolling an acrylic solution into the paper layer of a décor panel. It would have been obvious to one of ordinary skill in the art to substitute nip rollers for the belt presses of Jaisle et al. as they serve the same function of impregnating a resin solution into the paper. Lamination of a décor sheet to a backing in order to

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form tile or another other type of surface covering is conventional.

5. Claims 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jaisle et al. (U.S. 4,473,613).

The reference as noted above teaches a paper with an acrylic impregnation. The instant invention is to a paper with an acrylate impregnation. It would have been obvious to one of ordinary skill in the art to have selected the acrylic resin option from those taught by Jaisle et al. in order to form a specific décor sheet. In this rejection no weight is given to the process of rolling in the acrylic.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show various décor sheet systems

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 703-308-2420. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 703-308-4251. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.



WW/ww
June 30, 2003

WILLIAM P. WATKINS III
PRIMARY EXAMINER